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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,956	12/20/2000	Robert L. Baldino	78990DMW	8705

7590 11/29/2004

Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,956

Applicant(s)

BALDINO, ROBERT L.

Examiner

Steven P Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9, 11-14, 20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) 4-8, 10, 15-19, 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This application has been examined. The Amendment and RCE filed 7/12/04 have been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 9, 11-14, 20, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres et al (6738075) and Abram et al (6462778).

4. Regarding claim 1, Torres et al show a method for producing a digital image for display (abstract, column 1 lines 30-40, column 2 lines 42-50), including: receiving information corresponding to the captured image (column 8 lines 22-30, column 7 lines 50-60), converting the information into a perceivable image capture location icon comprising an image representing the information about the captured image (Figure 4A, 4B, column 7 lines 45-67), and generating a display comprising the captured digital image and a capture location iconic region having an associated image capture location icon (Figure 4A elements 304 and 306, Figures 7-8, column 8 lines 1-15). Torres et al do not specifically show that the information is position information corresponding to a

Art Unit: 2174

geographical location where the image was captured, but do mention a variety of information describing the circumstances about which the image was captured (i.e. time, Figures 4B, 21, column 7 lines 1-11), for convenient association of information for identifying and categorizing the images. Furthermore, Abram et al receive position information corresponding to a geographic location where a digital image is captured and associates it with the captured image, for convenient association of information for identifying and categorizing the images (Figures 8-9, column 6 lines 13-50). It would have been obvious to a person with ordinary skill in the art to have the information in Torres et al include geographic position information, because it would be a convenient way of associating information for identifying and categorizing the images.

5. Regarding claim 2, the position information in Abram et al is from a global positioning system (Abram et al column 6 lines 13-20).

6. Regarding claim 3, the capture location icons are interactive (Torres et al Figures 4A-B).

7. Regarding claim 9, an icon library is accessed and an icon is generated from there based on position information (Torres et al Figure 3).

8. Claims 12-14, 20 show the same features as claims 1-3 and 9 respectively and are rejected for the same reasons.

9. Regarding claims 11 and 22, Torres et al and Abram et al do not specifically show the Radio Triangulation system, but Examiner takes Official Notice that this is a technique used in positioning systems. It would have been obvious to a person with ordinary skill in the art to use this in the positioning system of Abram et al, because it would be a convenient technique to use in a positioning system. The obviousness to then combine the (modified) Abram et al with Torres et al still remains the same as described in paragraph 4 of this Office Action.

17. Regarding claim 23, Torres et al show the digital camera (column 3 lines 44-47).

18. Claims 4-8, 10, 15-19, 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The specific capture location iconic region having the plurality of hierarchically layered image capture location icons arranged according to geographic specificity, in the context of the claims, with linking and web site icon features, are not set forth in the prior art of record.

19. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2174

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 571-272-4072. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



STEVEN SAX
PRIMARY EXAMINER